



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,294	09/18/2003	Ashish Dubey	2033.66886	9047
24978	7590	06/29/2006		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER DIXON, MERRICK L	
			ART UNIT	PAPER NUMBER
			1774	
DATE MAILED: 06/29/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/666,294

Applicant(s)

DUBEY ET AL.

Examiner

Merrick Dixon

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 18-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 26-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**MERRICK DIXON**  
**PRIMARY EXAMINER**

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2

Claims 1-17 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al(US 4793892) in view of Dinkel(US 3284980).

The primary reference to Miller et al teaches the basic claimed invention including a process for making multilayered panels comprising depositing fibers on a moving web, depositing slurry on the web and subsequently depositing additional layers( as now required by claim 30) on the resulting web.- col 1, lines 53-65; col 7, lines 1-37;col 8, lines 13-32. Although the primary reference teaches multilayering operations, as discussed above, the secondary reference to Dinkel more clearly shows to lay similar types layers on laminated product as taught by the primary reference- col 2, lines 32-66; col 4, lines 30-75. It would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teachings of the secondary reference and form desired layered article in the primary reference to improve the panels' strength- col 3, lines 40-42. Concerning claims 5,6,7,14,17,29,31-32, the resulting product/fiber characteristics/shapes are directed to product limitations which are of no patentability consequences to the instant question for patentability which must be manipulatively distinct. The secondary reference teaches various dimensions for its layers throughout

Art Unit: 1774

the reference-col 7, lines 15-20; fig 8, lines 57-61. Concerning claims 15, 16 ,27 and 28, likewise, the amounts of constituents claimed are directed to article limitations which must be manipulatively distinct. Concerning claim 8,9,10, and 12, the claimed limitations are directed to apparatus limitations and are of no patentable consequences to the instant question for patentability which must be manipulatively distinct. Concerning claim 13, the primary reference teaches carrier layers during its process- see figs 1,2,,4 and 5. concerning claim 11, it is submitted the primary reference in fig 1, element 17 would knead the conveying webs together. Concerning claim 2, the primary reference teaches such similar claimed forming devices with roller means. Concerning claim 3, the primary reference indeed cuts its panel product- col 7, lines 35-37.

3

Applicant's arguments filed 4-18-06 have been fully considered but they are not persuasive. Applicants argue that the reference fail to teach loose fibers but teach mesh-like articles. Applicants further argue , the loose fibers, i.e., structural shapes, provide more uniform dispersions in the matrix. The examiner responds by reminding applicants that such "fiber structure" are directed to structural limitations and not the claimed manipulative steps. Accordingly , such "fiber structures " are believe of no patentable consequences to the instant question for patentability which must be manipulatively distinct. Ex parte Pfeffier , 1962 CD 408(1961). Specifically, the structure must affect the claimed steps. The examiner is unable to appreciate how such fiber structure affect the claimed steps. Alternately, it is submitted, the skilled artisan would

Art Unit: 1774

select such types fibers, in the absence of unexpected results and further on its intended uses-In re Leshin, 125 USPQ 416.

4

This application contains claims 1-17 and 26-32 drawn to an invention nonelected with traverse in Paper No. 10-25-05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

5

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6

Art Unit: 1774

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

**personal fax number should be in draft-forms and will be treated as informal.**

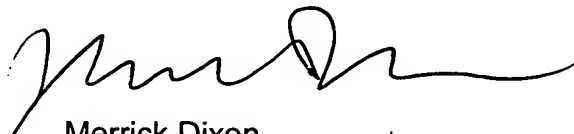
**Same facsimiles will not be entered in the related applications unless otherwise agreed and noted by the examiner.**

**The fax number for all other fascimile is 571-273-8300.**

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and 8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a stylized, flowing script.

Merrick Dixon

Primary Examiner

Group 1700